THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.35595 OF 1997

DATED: 03-04-2007

Between:

T. Sharat Kumar and another

.. Petitioners

and

A.P. Residential Educational Institution Society represented by its Secretary, III Floor, Gagan Vihar, Nampally, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.35595 OF 1997

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in not regularizing the services of the petitioners and not paying them salary as per the last grade service scale from the date of their regular appointment in the year 1987, as was done in the cases of similarly placed persons, as arbitrary and illegal; and consequently to direct the respondents to regularize the services of the petitioners from the date of their appointment i.e. 16.05.1987 and 06.06.1987 respectively and fix their salary and allowances in the last grade service scale of Rs.740-1150, which was revised as Rs.1375-2375, and pay the arrears of salary and other consequential benefits, or in the alternative to fix the salary of the petitioners in the last grade service scale of Rs.740-1150, which was revised as Rs.1375-2375, with effect from the date of completion of five years of service i.e. from 16.05.1992 and 06.06.1992 respectively.

It appears, the petitioners 1 and 2 were appointed as Helper and Sweeper in the 3rd respondent school on 16.05.1987 and 06.06.1987 respectively, having been sponsored by Employment Exchange and subjected to regular selection by District Selection Committee, in clear vacancies on a basic salary of Rs.238/- plus other allowances. Thereafter, pursuant to G.O.Rt.No.438 Education (Programme-1) Department, dated 31.03.1995, the 1st respondent issued

proceedings, dated 09.06.1995, in Rc.No.2442/C2-1/95 converting the full time contingent posts into last grade service posts in the time scale of Rs.1375-2375 with effect from 31.03.1995. The petitioners were being paid a basic salary of Rs.1375/- from that date. Now, the grievance of the petitioners is that the 1st respondent, vide his proceedings, dated 31.10.1997, in Rc.No.125/C2-3/96-97, had granted last grade scale to many similarly situated persons, like them, from the respective dates of their appointment. Hence, they are also entitled for salary in the last grade service scale from the dates of their appointment i.e. 16.05.1987 and 06.06.1987 respectively. It is also their grievance that the Government, vide G.O.Ms.No.344, dated 13.11.1989, has ordered that all full time contingent employees, who have completed five years of service, should be converted into last grade service and paid a remuneration of Rs.740/- and other admissible allowances. The said remuneration was revised as Rs.1375-2375. Hence, in the alternative, they are entitled for salary in the scale of Rs.1375-2375 from the date of completion of five years of service i.e. 16.05.1992 and 06.06.1992 respectively.

In spite of service of notices, no counter has been filed by the respondents.

The petitioners, ofcourse, have not made any representation for fixing their salary in accordance with G.O.Ms.No.344, dated 13.11.1989, immediately after the issuance of the said G.O.

Under these circumstances, this writ petition is disposed of directing the respondents to treat this very writ petition as a representation filed by the petitioners and dispose of the same, after hearing them, as per law, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

–

–

C.V. RAMULU, J

3rd April, 2007.
IBL

–